



General Assembly

**Amendment**

February Session, 2008

LCO No. 5698

**\*HB0566305698HDO\***

Offered by:

REP. JOHNSTON, 51<sup>st</sup> Dist.

REP. TRUGLIA, 145<sup>th</sup> Dist.

REP. ALBERTS, 50<sup>th</sup> Dist.

REP. DYSON, 94<sup>th</sup> Dist.

REP. FLOREN, 149<sup>th</sup> Dist.

REP. MINER, 66<sup>th</sup> Dist.

To: Subst. House Bill No. 5663

File No. 307

Cal. No. 173

**"AN ACT CONCERNING UNITED STATES SENATE VACANCIES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 9-211 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective January 1, 2011*):

5 (a) In case of a vacancy in the office of senator in Congress, the  
6 Governor, [is empowered to fill such vacancy by appointment as  
7 herein provided. If such vacancy occurs one hundred fifty or more  
8 days prior to a state election, the appointee shall serve until the third  
9 day of January following such election, and at such election there shall  
10 be elected a senator in Congress to serve for the remaining portion, if  
11 any, of the term vacated. If such vacancy occurs within less than one  
12 hundred fifty days of a state election and the term vacated does not  
13 expire on the third day of January following such election, the  
14 appointee shall serve until the third day of January following the next

15 such election but one, and at such next election but one there shall be  
16 elected a senator in Congress to serve for the remaining portion, if any,  
17 of the term vacated. If such vacancy occurs within less than one  
18 hundred fifty days of a state election and the term vacated expires on  
19 the third day of January following, the appointee shall serve until such  
20 third day of January] except as otherwise provided by law, shall, not  
21 more than ten days after the occurrence of such vacancy, issue writs of  
22 election directed to the town clerks or assistant town clerks ordering  
23 an election to be held on the one-hundred-fiftieth day after the issue of  
24 such writs on a day, other than a Saturday or Sunday, to fill such  
25 vacancy, provided (1) if such a vacancy occurs between the one-  
26 hundred-twenty-fifth day and the sixty-third day before the day of a  
27 regular state or municipal election in November of any year, the  
28 Governor shall so issue such writs on the sixtieth day before the day of  
29 such regular election, ordering an election to be held on the day of  
30 such regular election, (2) if such a vacancy occurs after the sixty-third  
31 day before the day of a regular state election but before the regular  
32 state election, the Governor shall not issue such writs and no election  
33 shall be held under this section, unless the position vacated is that of  
34 member-elect, in which case the Governor shall issue such writs and  
35 an election shall be held as provided in this section, and (3) if a  
36 primary for such office occurs pursuant to subparagraph (C) of  
37 subdivision (3) of section 9-450, as amended by this act, the Governor  
38 shall, not later than ten days following the filing of a candidacy for  
39 nomination by a person other than the party-endorsed candidate, issue  
40 new writs of election, in place of those first issued pursuant to this  
41 section.

42 (b) The Governor shall cause writs of election issued pursuant to  
43 subsection (a) of this section to be conveyed to a state marshal, who  
44 shall forthwith transmit an attested copy thereof to such clerks or  
45 assistant clerks. Such clerks or assistant clerks, on receiving such writs,  
46 shall warn elections to be held on the day appointed therein in the  
47 same manner as state elections are warned, which elections shall be  
48 organized and conducted as are state elections, and the vote shall be

49 declared, certified, directed, deposited, returned and transmitted in the  
50 same manner as at a state election.

51 Sec. 2. Section 9-450 of the general statutes is repealed and the  
52 following is substituted in lieu thereof (*Effective January 1, 2011*):

53 Nominations by major parties for any state, district or municipal  
54 office to be filled under the provisions of any law relating to elections  
55 to fill vacancies, unless otherwise provided therein, shall be made in  
56 accordance with the provisions of sections 9-382 to 9-450, inclusive, as  
57 amended by this act.

58 (1) (A) In the case of nominations for representatives in Congress  
59 and judges of probate in probate districts composed of two or more  
60 towns, provided for in sections 9-212 and 9-218, the delegates to the  
61 convention for the last state election shall be the delegates for the  
62 purpose of selecting a candidate to fill such vacancy. If a vacancy  
63 occurs in the delegation from any town, political subdivision or  
64 district, such vacancy may be filled by the town committee of the town  
65 in which the delegate resided. Endorsements by political party  
66 conventions pursuant to this subsection may be made and certified at  
67 any time after the resignation or death creating such vacancy and not  
68 later than the fiftieth day before the day of the election. No such  
69 endorsement shall be effective until the presiding officer and secretary  
70 of any district convention have certified the endorsement to the  
71 Secretary of the State.

72 (B) If such a vacancy occurs between the one hundred twenty-fifth  
73 day and the sixty-third day before the day of a regular state or  
74 municipal election in November of any year, no primary shall be held  
75 for the nomination of any political party and the party-endorsed  
76 candidate so selected shall be deemed, for the purposes of this chapter,  
77 the person certified by the Secretary of the State pursuant to section 9-  
78 444 as the nominee of such party.

79 (C) Except as provided in subparagraph (B) of this subdivision, if a  
80 candidacy for nomination is filed by or on behalf of any person other

81 than a party-endorsed candidate not later than fourteen days after the  
82 party endorsement and in conformity with the provisions of section 9-  
83 400, a primary shall be held in each municipality of the district and  
84 each part of a municipality which is a component part of the district, to  
85 determine the nominee of such party for such office, except as  
86 provided in section 9-416a. Such primary shall be held on the day that  
87 the writs of election issued by the Governor, pursuant to section 9-212,  
88 ordered the election to be held, and new writs of election shall be  
89 issued by the Governor in accordance with section 9-212.

90 (D) Unless the provisions of subparagraph (B) of this subdivision  
91 apply, petition forms for candidacies for nomination by a political  
92 party pursuant to this subdivision shall be available from the Secretary  
93 of the State beginning on the day following the issuance of writs of  
94 election by the Governor pursuant to section 9-212, except when a  
95 primary has already been held, and the provisions of section 9-404a  
96 shall otherwise apply to such petitions.

97 (E) The registry lists used pursuant to this subsection shall be the  
98 last-completed lists, as provided in sections 9-172a and 9-172b.

99 (2) In the case of judges of probate in probate districts composed of  
100 a single town, the day named for the election shall be not earlier than  
101 the one-hundred-fifteenth day following the day on which the writ of  
102 election is issued, and the times specified in sections 9-391, 9-405 and  
103 9-423 shall be applicable.

104 (3) [In the case of a vacancy in the office of senator in Congress  
105 occurring one hundred fifty or more days prior to a state election, the  
106 party-endorsed candidate of each party for such office shall be  
107 designated at the state convention of such party held for the  
108 endorsement of candidates for the state offices to be filled at such  
109 election; contesting candidacies for nomination to such office shall be  
110 filed not later than four o'clock p.m. on the twenty-first day following  
111 the close of such convention; and the primary of such party for  
112 nomination to such office shall be held simultaneously with the

113 primaries of such party for nomination to the state and district offices  
114 to be filled at such election. If, at the time such vacancy in the office of  
115 senator in Congress occurs, such state convention has already been  
116 closed, it shall be reconvened by call of the chairman of the state  
117 central committee of such party, which call shall be mailed to each  
118 delegate selected for such convention not less than seventy-two hours  
119 prior to such reconvening; such reconvened convention shall be closed  
120 not later than the tenth day following the occurrence of such vacancy.  
121 The party-endorsed candidate of such party for such office shall be  
122 designated at such reconvened convention. Contesting candidates for  
123 nomination to such office shall be filed not later than four o'clock p.m.  
124 on the twenty-first day following the close of such reconvened  
125 convention. If the primaries of such party for nomination to the state  
126 and district offices to be filled at the state election are held not earlier  
127 than the forty-ninth day following the close of such reconvened  
128 convention, the primary of such party for nomination to the office of  
129 senator in Congress to fill such vacancy shall be held simultaneously  
130 with the primaries of such party for nomination to such state and  
131 district offices; otherwise, the Secretary of the State shall fix the day for  
132 the primary of such party for such nomination to the office of senator  
133 in Congress, which day shall be not earlier than the forty-ninth day  
134 following the close of such reconvened convention and not later than  
135 the twenty-first day preceding the day of the state election.] (A) In the  
136 case of nominations for senators in Congress provided for in section 9-  
137 211, as amended by this act, the delegates to the convention for the last  
138 state election shall be the delegates for the purpose of selecting a  
139 candidate to fill such vacancy. If a vacancy occurs in the delegation  
140 from any town or political subdivision, such vacancy may be filled by  
141 the town committee of the town in which the delegate resided.  
142 Endorsements by political party conventions pursuant to this  
143 subsection may be made and certified at any time after the resignation  
144 or death creating such vacancy and not later than the fiftieth day  
145 before the day of the election. No such endorsement shall be effective  
146 until the presiding officer and secretary of any district convention have  
147 certified the endorsement to the Secretary of the State.

148       (B) If such a vacancy occurs between the one-hundred-twenty-fifth  
149       day and the sixty-third day before the day of a regular state or  
150       municipal election in November of any year, no primary shall be held  
151       for the nomination of any political party and the party-endorsed  
152       candidate so selected shall be deemed, for the purposes of this chapter,  
153       the person certified by the Secretary of the State, pursuant to section 9-  
154       444, as the nominee of such party.

155       (C) Except as provided in subparagraph (B) of this subdivision, if a  
156       candidacy for nomination is filed by or on behalf of any person other  
157       than a party-endorsed candidate not later than fourteen days after the  
158       party endorsement and in conformity with the provisions of section 9-  
159       400, a primary shall be held in each municipality to determine the  
160       nominee of such party for such office, except as provided in section 9-  
161       416a. Such primary shall be held on the day that the writs of election  
162       issued by the Governor, pursuant to section 9-211, as amended by this  
163       act, ordered the election to be held and new writs of election shall be  
164       issued by the Governor, in accordance with section 9-211, as amended  
165       by this act.

166       (D) Unless the provisions of subparagraph (B) of this subdivision  
167       apply, petition forms for candidacies for nomination by a political  
168       party pursuant to this subdivision shall be available from the Secretary  
169       of the State beginning on the day following the issuance of writs of  
170       election by the Governor, pursuant to section 9-211, as amended by  
171       this act, except when a primary has already been held and the  
172       provisions of section 9-404a shall otherwise apply to such petitions.

173       (E) The registry lists used pursuant to this subsection shall be the  
174       last-completed lists, as provided in sections 9-172a and 9-172b.

175       (4) The times specified in sections 9-391, 9-405 and 9-423 shall be  
176       applicable to any special town election held to fill a vacancy in any  
177       town office under subsection (b) of section 9-164. Except as provided  
178       under subsection (c) of section 9-164, any election held to fill a vacancy  
179       in any municipal office under the provisions of any special act shall be

180 held not earlier than the one-hundred-twenty-seventh day following  
181 the day upon which warning of such election is issued, and the times  
182 specified in sections 9-391, 9-405 and 9-423 shall be applicable."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2011</i>	9-211
Sec. 2	<i>January 1, 2011</i>	9-450